

## **REMARKS**

### **Status of the Claims**

Claims 1-21 were pending in this application.

Claims 1-3 and 8-10 were rejected.

Claims 4-7 and 11-21 were objected to.

Claims 1-21 have been amended.

Applicant and the undersigned thank Examiner Ernesto Garcia for his careful review of this application. Consideration of the present application in light of the above-amendments to the claims and in view of the following remarks is respectfully requested. No new matter has been added.

Unless explicitly stated otherwise, the amendments to the claims were not made for reasons substantially related to the statutory requirements for patentability. Furthermore, unless stated otherwise, the amendments to the claims were made simply to make express what had been implicit in the claims as originally worded and therefore are not narrowing amendments that would create any type of prosecution history estoppel.

### **Information Disclosure Statement Objection**

In the Office Action, the listing of references in the specification was objected to under 37 CFR 1.98(b) and MPEP 609.04(a) for not being a proper information disclosure statement. Accordingly, Applicant is submitting a proper information disclosure statement on form PTO-1449, Adapted herewith in the Appendix. Applicant respectfully requests withdrawal of the objection to the information disclosure statement under 37 CFR 1.98(b) and MPEP 609.04(a).

### **Drawings Objection**

In the Office Action, the drawings were objected to under 37 CFR 1.84(p)(4) as allegedly using reference characters “7” and “8” to designate the same means or orifice. Applicant encloses herewith replacement drawing sheets of Figures 1, 4, and 5, in accordance with 37 CFR 1.121(d), showing only reference character “7” designating the orifice. Applicant has not substantively changed the drawings and has not added any new matter. Therefore, Applicant respectfully requests withdrawal of the objection to the drawings under 37 CFR 1.84(p)(4).

In the Office Action, the drawings were objected to under 37 CFR 1.83(a) as allegedly not showing every feature specified in the claims. Specifically, the Examiner stated that the drawings must show “the central piece incorporating an attachment means” and “the male or pin element having a combination of a cylindrical arrangement ending up in semi-conic,” or the features must be cancelled from the claims. Applicant encloses herewith a replacement drawing sheet for Figure 1, in accordance with 37 CFR 1.83(a) and 37 CFR 1.121(d), which shows “the central piece incorporating a non pass-by opening.” Claim 1 has been amended accordingly. Support for this non pass-by opening on the central piece may be found in the original specification on page 6, lines 26-29. Further, Applicant encloses herewith a new drawing sheet for Figure 6, in accordance with 37 CFR 1.83(a) and 37 CFR 1.121(d), which shows “the male or pin element having a combination of a cylindrical arrangement ending up in semi-conic.” Applicant has not substantively changed the drawings and has not added any new matter. Therefore, Applicant respectfully requests withdrawal of the objection to the drawings under 37 CFR 1.83(a).

#### **Specification Objection**

In the Office Action, the abstract of the disclosure was objected to under MPEP 608.01(b) as allegedly using certain phrases. Applicant has submitted a Substitute Specification containing a new Abstract, which omits these objectionable phrases. Applicant has not substantively changed the specification and has not added any new matter. Therefore, Applicant respectfully requests withdrawal of the objection to the disclosure.

Additionally, the disclosure was objected to allegedly for certain description inconsistencies. Applicant has submitted a Substitute Specification correcting such alleged description inconsistencies. Applicant has not substantively changed the specification and has not added any new matter. Therefore, Applicant respectfully requests withdrawal of the objection to the disclosure.

Further, the specification was objected to under 37 CFR 1.75(d)(1) and MEP 608.01(o) for allegedly failing to provide proper antecedent basis for the claimed subject matter. Specifically, the Examiner requests that proper antecedent basis is provided for “said piece incorporating an attachment means,” as recited in claim 1, line 13. Applicant has submitted a Substitute Specification which provides for proper antecedent basis for “said piece incorporating

an attachment means,” as recited in claim 1, line 13. Applicant has not substantively changed the specification and has not added any new matter. Therefore, Applicant respectfully requests withdrawal of the objection to the disclosure.

### **Claim Objections**

In the Office Action, the Examiner objected to Claims 4-7 and 11-21 under 37 CFR 1.75(c) for allegedly being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. Applicant has amended the dependencies of claims 4-7 and 11-21 so that a multiple dependent claim no longer depends from any other multiple dependent claim. As such, Applicant requests withdrawal of the objection to Claims 4-7 and 11-21.

In the Office Action, the Examiner further objects to Claims 1, 2, and 8-10 allegedly for some informalities within the claims. Applicant has amended claims 1, 2, and 8-10 to correct these alleged informalities. As such, Applicant requests withdrawal of the objection to Claims 1, 2, and 8-10.

### **Claim Rejections under 35 U.S.C. 112**

In the Office Action, Claims 1-3 and 8-10 were rejected under 35 U.S.C. 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, with respect to Claim 1, the examiner states that the metes and bounds of the claim is unclear because the recitation “characterized for comprising,” in lines 1-2, is unclear. Additionally, the Examiner states that the recitation “susceptible of providing sufficient volume,” in lines 6-7, line 11, and lines 21-22, makes unclear what is the volume. Further, the Examiner states that the recitation “a diametric channel housing which extends over the top surface,” in line 8, is misdescriptive and/or inaccurate. Furthermore, the Examiner states that the recitation “said piece,” in line 23, makes unclear which piece is being referred. Similarly, the Examiner states that the recitation “the piece’s bottom surface,” in line 24, makes unclear which piece’s bottom surface is being referred. Moreover, the examiner states that the recitation “extends axially” lacks a point of reference.

In response to these objections, Applicant has addressed each of these objections by amending the claims to be clearer. Specifically, the Applicant reworded the recitation “characterized for comprising” and removed the language “characterized for”, has removed the recitation “susceptible of providing sufficient volume,” and has more accurately described the recitation “a diametric channel housing which extends over the top surface.” Furthermore, the Applicant clarifies which piece is being referred to in line 23 and line 24. Moreover, the Applicant provides a point of reference for the recitation “extends axially”. As such, Applicant requests withdrawal of the objection to Claim 1.

Regarding Claims 2 and 8-10, the Examiner alleges that these claims are indefinite because they depend upon Claim 1. Since independent Claim 1 has been amended and is now in definite form, dependent Claims 2 and 8-10 also are now in definite form. As such, Applicant requests withdrawal of the objection to Claims 2 and 8-10.

#### **Claim Rejections under 35 U.S.C. 102(b)**

In the Office Action, Claims 1 and 9 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent No. 2,861,762, issued to Gunthel Jr. (the “Gunthel Patent”). Additionally, Claims 1 and 2 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent No. 4,881,354, issued to Pitt (the “Pitt Patent”).

Applicant traverses these rejections by amending independent Claim 1 such that it states that the male or pin element is configured to receive a support leg therein. Support for this claim amendment may be found on page 7, lines 3-5, of the original specification. Figure 1 of the Gunthel Jr. Patent does not disclose the vertical support member having a male or pin element extending axially from the bottom surface of the vertical support member, wherein the male or pin element is configured to receive a support leg therein. In fact, the post 12, which the Examiner alleges to be the alleged male or pin element, of the Gunthel Jr. Patent is not configured to receive a support leg therein. The post 12 is anchored to an associated support structure via arcuate base clamps 38, 40.

Additionally, Figure 11 of the Pitt Patent also does not disclose the vertical support member having a male or pin element extending axially from the bottom surface of the vertical support member, wherein the male or pin element is configured to receive a support leg therein. In fact, the alleged male or pin element of the Pitt Patent is not configured to receive a support

leg therein. In fact, the special nut comprising a head 56, a neck 58, and an annulus 57, which the Examiner alleges to be the alleged male or pin element, of the Pitt Patent is not configured to receive a support leg therein. Instead, the special nut is configured to be coupled to a bolt 53.

Thus, independent Claim 1 should now be in allowable form. Since independent Claim 1 has been amended and placed in allowable form, dependent claims 2-21 should also be in allowable form. Applicant respectfully requests the Examiner to allow independent Claim 1 and its dependent claims.

Applicant has not addressed each specific rejection of the dependent claims because Applicant submits that the independent claim is allowable over the documents of record, as discussed above. Applicant has not acquiesced to any such rejections and reserves the right to address the patentability of any additional claim features in the future.

#### **Claim Rejections under 35 U.S.C. 103(a)**

In the Office Action, Claims 1 and 3 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 2,715,537, issued to Hofheimer (the “Hofheimer Patent”) and U.S. Patent No. 4,793,578, issued to Howard (the “Howard Patent”). Additionally, Claims 8 and 10 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over the Gunhel Jr. Patent.

Applicant traverses these rejections by amending independent Claim 1 such that it states that the first and second platens are configured to be fastened to a workstation surface via the attachment means. Support for this claim amendment may be found on page 7, lines 20-22, of the original specification. Figures 1, 2, and 4 of the Hofheimer Patent in combination with Figure 5a of the Howard Patent do not disclose the first and second platens being configured to be fastened to a workstation surface via the attachment means. In fact, the ring section 12, which the Examiner alleges to be the alleged platens, of the Howard Patent is not configured to be fastened to a workstation surface via the attachment means. The ring section 12 is, instead, configured to be fastened to pipes.

Thus, independent Claim 1 should now be in allowable form. Since independent Claim 1 has been amended and placed in allowable form, dependent claims 2-21 should also be in allowable form. Applicant respectfully requests the Examiner to allow independent Claim 1 and its dependent claims.

Applicant has not addressed each specific rejection of the dependent claims because Applicant submits that the independent claim is allowable over the documents of record, as discussed above. Applicant has not acquiesced to any such rejections and reserves the right to address the patentability of any additional claim features in the future.

**CONCLUSION**

The foregoing is submitted as a full and complete Response to Non-Final Office Action mailed November 6, 2008. Applicant has made a diligent effort to advance the prosecution of the application by submitting arguments in support of the patentability of pending claims. Applicant respectfully requests that the Examiner withdraw all pending rejections and objections to Claims 1-21 and allow all currently pending claims to issuance.

In the event any matters remain to be resolved in view of this communication, or that there are any informalities that can be corrected by an Examiner's amendment, the Examiner is encouraged to contact the undersigned at (713) 276-7387 so that a prompt disposition of this application can be achieved.

As the three-month statutory period for reply expired on February 6, 2009, a request for one-month extension of time is being filed herewith to extend the deadline for this Response to March 6, 2009. Applicant has included payment (via credit card) in the total amount of \$310.00 for the request for one-month extension of time and for the IDS filing. This Response is considered timely filed and no additional fees are believed to be due. However, should the Examiner deem any additional fees as being due, including any fees for any extensions of time, the Examiner is hereby authorized to debit said fees from, or to credit any overpayments to, USPTO Deposit Account Number 50-3786, Reference No. 12812.105001.

The Examiner is invited to contact the undersigned via telephone at the number listed below if a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,



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## **APPENDIX**